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September 25, 2020

VIA ECF

Honorable Freda L. Wolfson, Chief Judge
United States District Court- District of NJ
Clarkson S. Fisher Building & U.S. Courthouse
402 East State Street, Court Room 5E
Trenton, NJ 08608

Re: In re: Johnson & Johnson Talcum Powder Products Marketing, Sales Practices and Products Liability Litigation - MDL 2738

Dear Chief Judge Wolfson:

Please accept this letter in further support of defendants Johnson & Johnson and Johnson & Johnson Consumer Inc.'s Motion to Dismiss for failure to comply with the Court's May 15, May 26, and June 4, 2020 Orders regarding case-specific discovery for Stage One discovery pool cases.

Cases in Which the Motion to Dismiss is Unopposed

As of this filing, the following eight plaintiffs have not filed oppositions to the motion, which were due on September 21, nor have they complied with the Court's orders requiring them to provide a completed Plaintiff Profile Form ("PPF") and supporting documents. Defendants therefore respectfully request that these cases be dismissed with prejudice pursuant to Rule 41(b):

1. Baxter, Corrine, 3:17-cv-07780
2. Castillo, Lorraine, 3:19-cv-00576
3. Conley, Alexis, 3:18-cv-11677
4. Cowart, Deniria, 3:19-cv-22157

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5. Hartman, Pamela, 3:20-cv-01264
6. Joseph, Shintelle, 3:16-cv-07465
7. Richards, Duane, 3:18-cv-14654
8. Stallings, Elizabeth, 3:18-cv-00274

Cases in Which Defendants Will Agree to Short Extensions

Plaintiffs' counsel in the *Stewart* (3:19-cv-17655) and *Cunningham* (3:16-cv-07889) matters has advised that plaintiffs recently passed away and the families are evaluating whether to voluntarily dismiss or continue the cases. Under these very unique circumstances, defendants will agree to a 30-day extension from the original due date, until October 3, to submit a PPF and all supporting documents or the cases should be dismissed with prejudice.

Cases with Now-Served PPF

Plaintiffs in the *Gray* (3:18-cv-00519), *Smith* (3:18-cv-14853), and *Rodgers* (3:19-cv-15158) matters have served PPFs. Defendants therefore withdraw the Motion to Dismiss as to these plaintiffs only, without prejudice to seek relief for material deficiencies, lack of core records, and/or missing supporting documents.

Cases in Which the Motion to Dismiss is Opposed

In the remaining two cases, *Bynam* (3:19-cv-13428) and *Wagoner* (3:18-cv-05820), plaintiffs' counsel filed oppositions based on the fact that the plaintiffs cannot be located. Defendants will file case-specific replies but as the Court recognized during the September 15 status conference, this is not a valid excuse for non-compliance and the cases should be dismissed.

Thank you for your consideration of this matter.

Honorable Freda L. Wolfson,
Chief Judge

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Respectfully submitted,

/s/ Susan M. Sharko

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cc: All Counsel of Record (via ECF)